

HOUSE JOINT RESOLUTION 701

By Favors

A RESOLUTION to pay tribute to the memory of Mr. Ed Johnson.

WHEREAS, the immoral and inhumane practice of "lynching" that occurred in the United States of America between 1875 and 1950 represented the cruelest and most unusual forms of capital punishment, threatening numerous African-American communities, terrorizing untold scores of individuals, and denying many of human dignity and their most basic and fundamental constitutional and civil rights as it smeared a reprehensible stain on the social fabric of the nation; and

WHEREAS, on January 25, 1906, Mr. Ed Johnson of Chattanooga was arrested for a heinous crime without any substantial evidence connecting him to the incident. Despite his insistent pleas of innocence, Mr. Johnson was made to endure extreme hardships throughout his confinement, legal trials, and unjustifiable execution atop the Walnut Street Bridge in Chattanooga on March 19, 1906; and

WHEREAS, convicted and sentenced to be put to death on March 13, 1906, Mr. Johnson was represented by Chattanooga African-American attorneys Noah W. Parden and Styles L. Hutchins after the majority of his original legal team believed an appeal of the Hamilton County court ruling would be fruitless and frivolous; and

WHEREAS, all legal remedies exhausted, the case was directly appealed to the United States Supreme Court on the merits that discrepancies, inadequacies, and inaccuracies had occurred during Mr. Johnson's trial, violating provisions under the Fifth, Sixth, and Fourteenth Amendments; and

WHEREAS, representing Mr. Johnson, Noah Parden became the first African-American attorney to argue the merits of a case before a sitting Supreme Court Justice, John Marshall

Harlan. This was also the first occasion in which an African-American attorney was listed as the lead counsel in a case before the United States Supreme Court; and

WHEREAS, winning his appeal, Mr. Johnson was granted the first stay of execution in a criminal case by the United States Supreme Court on March 19, 1906. That evening in Chattanooga, Ed Johnson was taken by a mob from the Hamilton County Jail and murdered; and

WHEREAS, the United States Supreme Court and the administration of President Theodore Roosevelt vigorously responded to the lynching of Mr. Johnson as the Department of Justice and the Secret Service launched an investigation; and

WHEREAS, on May 28, 1906, Hamilton County Sheriff Joseph Shipp, six of his deputies, and nineteen individuals were linked to the mob and officially charged with contempt of the court. The Supreme Court upheld its jurisdiction to intervene in the landmark case (*United States v. Shipp, 203 U.S. 563 (1906)*), and Sheriff Shipp and five codefendants were found guilty and sentenced to brief prison terms on November 15, 1909; and

WHEREAS, on February 26, 2000, the Reverend Paul A. McDaniel and concerned citizens brought forth a formal request to petition the court to posthumously expunge and dismiss all charges against Mr. Johnson, and, ninety-four years after the lynching, Hamilton County Judge Doug Meyer overturned Ed Johnson's conviction; and

WHEREAS, it is important to chronicle and remember the details and historic events surrounding the arrest, legal proceedings, and lynching of Mr. Ed Johnson; the heroic and courageous defense provided by his attorneys; and the historic intervention taken by the United States Supreme Court to provide remedies and justice in this case; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we pay respectful tribute to the memory of Mr. Ed Johnson as we remember the loathsome circumstances of his death, the valiant efforts of his attorneys to seek justice for their client, and the actions of the United States Supreme Court in its effort to secure Mr. Johnson's constitutional rights.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.